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REVENUE & DISASTER MANAGEMENT DEPARTMENT

NOTIFICATION

The 25th March, 2022

S.R.O. No. 187/2022—The following draft of certain rules, further to amend the Odisha Government Land Settlement Rules, 1983 which the State Government propose to make in exercise of the powers conferred by Section 8-A of the Odisha Government Land Settlement Act, 1962 (Odisha Act 33 of 1962) is hereby published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of thirty days from the date of publication of this notification in the *Odisha Gazette*;

Any objection or suggestion which may be received from any person with respect to the said draft before expiry of the period so specified will be considered by the State Government.

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1. Short title and Commencement.—(1) These rules may be called the Odisha Government Land Settlement (Amendment) Rules, 2022.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. In the Odisha Government Land Settlement Rules, 1983 (hereinafter referred to as the said rules), in rule 4, in sub-rule (2), in clause (i), the following provisos shall be inserted, namely:--

"Provided that if the Collector is satisfied that sufficient extent of land is not available in the village for the purpose of housing scheme for homesteadless person, he may

de-reserve the Gochar land for the said purpose but which shall not be reduced to less than three per cent of the effective area of the village after such de-reservation;

Provided further that such de-reservation shall not be made within three kilometres from the boundary of reserve forest or notified Eco-Sensitive Zone (ESZ) of protected area without the concurrence of the Principal Chief Conservator of Forest and Head of Forest Force, Odisha (HoFF) or Principal Chief Conservator of Forest (Wildlife and Chief Wildlife Warden), as the case may be."

3. In the said rules, in rule 5-B, for the words and figures "26th day of February, 2006", the figure and the word "22nd October, 2018" shall be substituted.

4. In the said rules, in rule 5-BB, for the words and figures "26th day of February, 2009", the figure and the words "22nd October, 2021" shall be substituted.

5. In the said rules, in rule 8, in sub-rule (4), for the Notes, the following Note shall be substituted, namely:—

"Note :- Each application for house site for middle and poor class people, shall accompany by a declaration duly signed or Left Thumb Impression (LTI) of the applicant in the form as prescribed in Schedule I along with a copy of the identity proof like Voter Card or Aadhaar Card, etc."

6. In the said rules, in rule 9-A, in sub-rule (1), after the words "for the purpose of plantation" and before the words "subject to such term", the words "and any other purposes like construction of bridge over the rivers, canals, Nalas and road" shall be inserted.

7. In the said rules, after rule 10. the following rule shall be inserted namely:--

"10-A. Allotment of Homestead land in favour of Next of Kin.—Notwithstanding anything contained in these rules, homestead land in areas other than Bhubaneswar Municipal Corporation upto one-twenty-fifth of an acre in any urban area or one tenth of an acre in rural area, may be settled in favour of the next of kin of the police personnel including the members of Central Armed Police Force (CAPF), Paramilitary Forces belonging to this State, who have lost their lives during discharging their duties in anti-naxalite operations and in favour of next of kin of such other persons who sacrifices their lives in an inspiring and

exemplary humanitarian act and for such other purposes as may be decided by Government, from time to time."

8. In the said rules, for rule 12, excluding the proviso thereto, the following rule shall be substituted, namely:--

"12- Fees -- Fees in respect of matters referred to in clause (d) of sub-section (1) of section (3) may also be payable through electronic mode by using of any electronic device including payment made online banking system and shall be at the rate as specified in Schedule III."

9. In the said rules, for Schedule I, the following Schedule shall be substituted, namely—

"SCHEDULE - I

[See Note below Rule 8(4)]

Declaration I, Shri aged son of village.....

P.O P.S in the district of at

present by profession do hereby declare

that.....

1. my income from all sources is Rs. (Rupees) only;

2. I or any of my family members do not own or possess any residential house/ building or homestead land in the jurisdiction of town

3. I own or possess a residential house/building or homestead in the jurisdiction of town but this has inadequate accommodation the extent of the homestead land being cents;

4. my family consists of besides myself,

(i) Husband

(ii) Wife

(iii) Sons

(iv) Unmarried daughters

- (v) Widowed and dependent daughters
- (vi) Brothers below. . . . years and unmarried sisters
- (vii) Father
- (viii) Mother
- (ix) Step Children
- (x)
- (xi)

5. my continued stay in this town is necessary in the interest of my employment, business/trade, profession and avocation;

6. I have not been considered for any homestead plot in the town earlier and that my application has been rejected;

That I hereby declare that the above information are true to my knowledge, and not concealed anything regarding existing property, owned either by me or by any of my family members mentioned above.

Date:

Signature of Applicant (Declarant)".

10. In the said rules, in Schedule -II, -

- (i) Against serial No.1, for the words "In favour of Educational" appearing under Column (2), the words "In favour of Educational other than Educational Institution mentioned in serial Nos,1B and 10 shall be substituted;
- (ii) after serial No.1-A, the following serial number and entries against it shall be inserted under appropriate columns, namely:—

| | | | |
|--|------------------|-------------------|-------------------|
| <p>“1B In favour of Higher Education or School & Mass Education Department with marfat of concerned Government Degree Colleges, Higher Secondary Schools and High Schools.</p> | <p>Collector</p> | <p>Full Power</p> | <p>Full Power</p> |
|--|------------------|-------------------|-------------------|

“1C

| | | | |
|--|-----------|----------------------------|--------------------------|
| In favour of Higher Education or School & Mass Education Department with marfat of concerned Aided Degree Colleges, Higher Secondary Schools and High Schools. | Collector | Not exceeding fifteen acre | Not exceeding ten acre”. |
|--|-----------|----------------------------|--------------------------|

11. In the said rules, in Schedule V, in clause (1), in sub-clause (b), in the proviso, for item (i), the following item shall be substituted, namely: —

"(i) the person, including his lawful predecessor-in-interest, was in possession of such land for a period of at least three years prior to the commencement of the Odisha Government Land Settlement (Amendment) Act, 2021 and submits a valid application for such settlement within a period of six months from the date of publication of the Odisha Government Land Settlement (Amendment) Rules, 2022 or within such further period as the Government may, by notification, specify for such settlement of land;"

12. In the said rules, in Schedule V-A, in clause (1), in sub-clause (b), in the proviso, item (i), the following item shall be substituted, namely: ---

"(i) the person, including his lawful predecessor-in-interest, was in possession of such land for a period of at least three years prior to the commencement of the Odisha Government Land Settlement (Amendment) Act, 2021 and submits a valid application for such settlement within a period of six months from the date of publication of the Odisha Government Land Settlement (Amendment) Rules, 2022

or within such further period as the Government may, by notification, specify for such settlement of land;".

13. In the said rules, in Schedule-VI, —

(a) in the opening portion the words "excepting Bhubaneswar and Sunabeda" shall be omitted;

(b) in clause 1, ---

(i) in sub-clause (d), the words but shall not apply to the lands leased out to the agencies like Development Authorities, Improvement Trusts or the Housing Board for execution of various housing schemes" shall be omitted;

(ii) in sub-clause (i),

(A) in item (i), after the words and figure in Form No.2, the words "duly attested by Notary or an Executive Magistrate" shall be omitted;

(B) in item (ii), for the words and figure "Affidavit in Form No.3 sworn before the Notary or an Executive Magistrate", the words and figure " a Self Declaration in Form No.3 along with a copy of his identity proof like Voter Card. Aadhaar Card etc.", shall be substituted;

(c) in Form No.2, in the opening portion, for the words and figure "stamp paper of Rs.2.00", the words and figure "stamp paper of Rs.10.00" shall be substituted and the words "duly attested by Notary Public/Executive Magistrate" shall be omitted; and

(d) for Form No.3, the following Form shall be substituted, namely:--

"FORM No.3

[See clause (1) (i)(ii)]

Declaration

I.....S/o., D/o., W/o., Shri resident
of..... do hereby declare that---

1. I am the lessee / allottee in physical possession of the plot
No.....Khata No..... village..... in
Tahasil ofDistrict.

OR

I am in physical possession, under a valid conveyance / lease deed, dated executed in
my favour in respect of the plot

No.....Khata No..... village in
Tahasil of District.

2. There prescribed use of the aforesaid property, as per the lease/letter
of allotment is only residential.

3. There is no unauthorised construction in the aforesaid property.

OR

There is unauthorised construction in the aforesaid property as described below:

.....
.....

4. The above referred property is being used only for residential purpose.

5. That I or any my wife/ husband/ dependent children /dependent relations/parents do not
own or in part any residential plot/flat in the State nor have sold any leasehold residential
plot in the State during the last 10 years not do I or my wife/husband/dependent
children/dependent relations/parents have membership of any Co-operative House Building
Society / Co-operative Group Housing Society in the State.(This Para is applicable only if
conversion is sought in favour of a person other than the lessee/allottee).

6. That up-to-date ground rent has been paid in respect of the above referred property.

7. The contents of the accompanying application for conversion of leasehold rights into free hold rights in respect of the above referred property are true and correct and the documents annexed thereto are genuine.

8. That the facts stated in paragraphs 1 to 7 of this self-declaration are correct to my knowledge and belief. Nothing contained herein is untrue and nothing material is concealed therefrom.

Date Signature of Applicant (Declarant)".

Place

[No. 9599—RDM-LRGEA-STATUT-0001-2021/R&DM.]

By Order of the Governor

SATYABRATA SAHU

Additional Chief Secretary to Government